

3942. Adulteration and misbranding of eggs. U. S. v. Cudahy Packing Co. Plea of guilty. Fine, \$400 and costs. (F. & D. No. 5618. I. S. No. 6701-e.)

On October 31, 1914, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 2 counts against the Cudahy Packing Co., a corporation organized under the laws of the State of Illinois, with principal offices at Chicago, Ill., and doing business in Kansas, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 25, 1913, from the State of Kansas into the State of Missouri, of a quantity of eggs which were adulterated and misbranded. The product was labeled: (On one end of cases) "Meadow Grove April Extra." "J 1st" (On other end) "Meadow Grove April Extra." (With blurred stamp) "Spots." (On top, in blue pencil) "No. 2."

An examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Number of eggs examined.....	72
Absolutely rotten, consisting of yellow or brown mass.....	52
Black "rots".....	9
Blue mold.....	2
Spots and stale eggs, yolks breaking.....	8
Spot egg, fairly firm.....	1

Not an egg examined was fit for food. Odor of most of samples very offensive. Appeared worse than usual candled out "Rots." Product consists of rotten, moldy, and spot eggs, which constitute filthy, decomposed, or putrid animal matter.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, that is to say, the cases, when shipped and delivered for shipment, contained a large number of rotten eggs, moldy eggs, spot eggs, and eggs affected by black rot. Misbranding was alleged for the reason that the statement "Meadow Grove April Extra No. 2", borne on the package, was false and misleading, because it was calculated to mislead and deceive the purchaser into the belief that the eggs were of extra quality and were suitable for human food, whereas, in truth and in fact, the eggs were not of extra quality and were unfit for human consumption.

On January 11, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$200 on each count of the information, making a total fine of \$400, and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.